

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Rafael Xenes, individually  
and on behalf of others  
similarly situated,**

Plaintiff,

V.

**Powur, PBC, Inc. d/b/a  
Powur,**

Defendant.

**Case No.: 1:23-cv-22787-KMM**

## CLASS ACTION

# PLAINTIFF'S MOTION TO REOPEN CASE

## JURY TRIAL DEMANDED

Plaintiff Rafael Xenos (“Plaintiff”) hereby files this unopposed Motion to Reopen the Case. Plaintiff apologizes to the Court for the tardiness of the filing of the joint scheduling report, which was filed today, November 3, 2023. The parties had started circulating a draft on October 26, 2023 and it took several days to complete the process of review. Plaintiff reached out to Defendant for its position on this motion and Defendant indicated that it takes no position as to the motion. Plaintiff requests the Court reopen the case and

implement a new briefing schedule for the second motion to dismiss filed by Defendant Powur, PBC, Inc. d/b/a Powur.

Dated: November 3, 2023

Respectfully submitted,

BY: /S/ RYAN L. MCBRIDE  
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